

1  
2  
3  
4 BILL NO. Z-73-03-07

5 ZONING MAP ORDINANCE NO. Z-last

6 AN ORDINANCE amending the City of Fort  
7 Wayne Zoning Map No. B7.

8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
9 FORT WAYNE, INDIANA:

10 SECTION 1. That the area described as follows is  
11 hereby designated a B1A district under the terms of Chapter 36,  
12 Municipal Code of the City of Fort Wayne, Indiana, 1946, as  
13 amended by General Ordinance No. 2836 and amendments thereof;  
14 and the symbols of the City of Fort Wayne Zoning Map No. B7,  
15 referred to therein, established by Section 9, Article III of  
16 said Chapter as amended, are hereby changed accordingly, to-wit:

17 Lot # 18 in John M. E. Riedel's Addition,  
18 commonly known as 545 Forest Avenue.

19 SECTION 2. This Ordinance shall be in full force and  
20 effect from and after its passage and approval by the Mayor and  
21 legal publication thereof.

22 Vivian B. Schmidt  
23 Councilman

24  
25  
26  
27 APPROVED AS TO FORM  
28 AND LEGALITY,

29 Rich B. La  
30 CITY ATTORNEY  
31  
32  
33  
34  
35

Read the first time in full and on motion by Nuckols, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: 3-13-73

Charles W. Teterman  
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by Talarico, and duly adopted, placed on its passage. ~~Passed~~ (LOST) by the following vote:

	AYES <u>1</u>	NAYS <u>8</u>	ABSTAINED _____	ABSENT _____ to-wit:
BURNS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINGA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KRAUS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MOSES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NUCKOLS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHMIDT, D.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHMIDT, V.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STIER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TALARICO	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATE: 4/25/73

Charles W. Teterman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_.

ATTEST: (SEAL)

Charles W. Teterman  
CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

Charles W. Teterman  
CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 13, 1973, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-73-03-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and

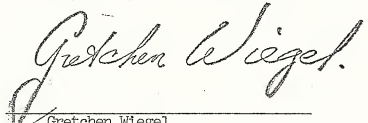
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 14, 1973;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 21, 1973.

Certified and signed this  
23rd day of May, 1973.

  
\_\_\_\_\_  
Gretchen Wiegel  
Secretary

*Handwritten initials*

Bill No. 7-73-03-07

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance

Amending the City of Fort Wayne Zoning Map No. B7

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance Do not PASS.

John Nuckols

Vivian G. Schmidt

William T. Hinga

Paul M. Burns

Donald J. Schmidt

*Handwritten signatures:*  
John Nuckols  
Vivian G. Schmidt  
William T. Hinga  
Paul M. Burns

DATE 9-25-73 CONCURRED IN  
CHARLES W. WESTERMAN, CITY CLERK

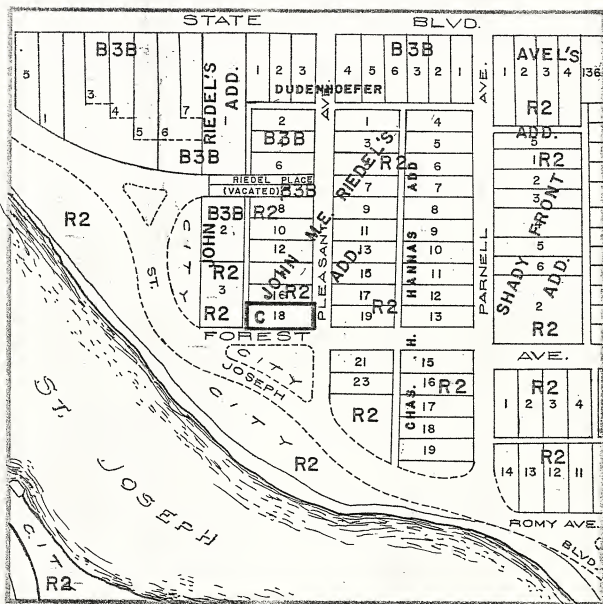
## RECEIPT

N<sup>o</sup> 186

GENERAL FUND

FT. WAYNE, IND., Feb 21 1973RECEIVED FROM Merrilee Perpelkin \$ 50.00THE SUM OF Fifty dollars 5/100 DOLLARSON ACCOUNT OF Repay from R2 to B1ALot 18 John Reidel AddN Hartman

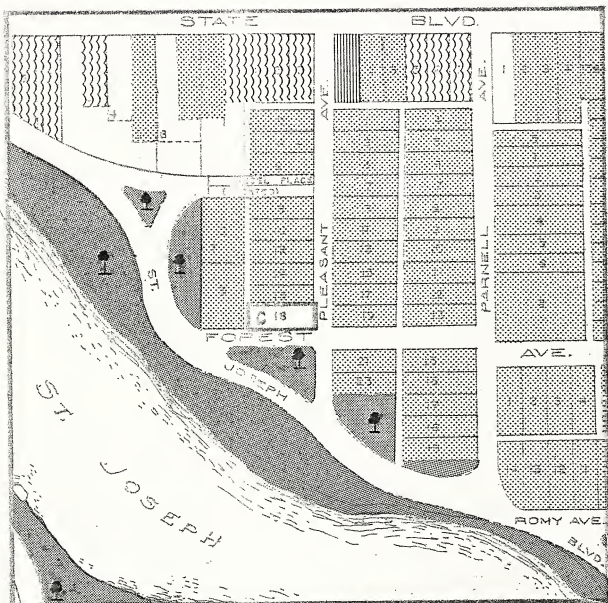
AUTHORIZED SIGNATURE



## C CHANGE FROM R2 TO BIA





Lot # 18 in John M. E. Riedel's Addition, commonly known as 545 Forest Ave.

2-73-03-07

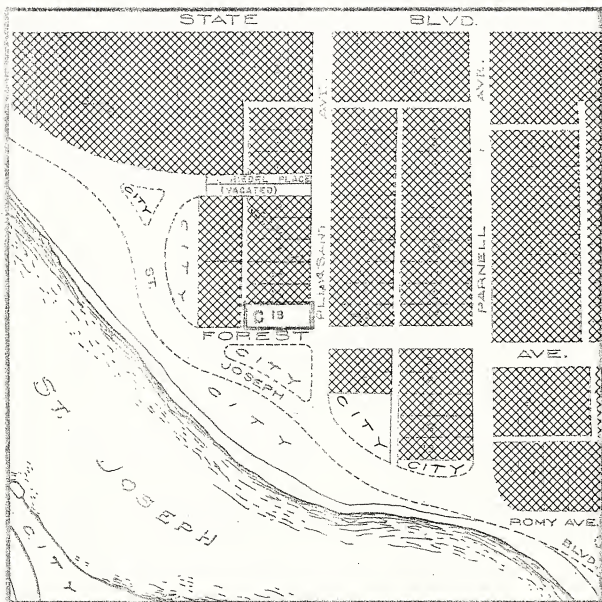


## EXISTING LAND USE MAP



LEGEND

- RESIDENTIAL — 
- COMMERCIAL — 
- RECREATIONAL — 
- INDUSTRIAL — 

2-73-03-07



## PROPOSED LAND USE MAP

-  — High Density Residential  
 CITY — City Owned Property

2-73-0307





BOARD OF ZONING APPEALS  
425 S. Calhoun Street

# City of Fort Wayne

September 14, 1973

Hon. Charles W. Westerman:  
City Clerk  
City of Fort Wayne, Indiana 46802

Dear Mr. Westerman,

This is to acknowledge receipt of your letter dated June 13, 1973 concerning Bill No. Z-73-03-07, considered in Committee Meeting of the Common Council on June 12, 1973.

We concur in the Common Council's recommendation in this matter, but because of the section of the Fort Wayne Zoning Ordinance quoted below, this Board, upon the advice of its counsel, must respectfully decline to grant the variance to operate a "single chair beauty parlor" at 545 Forest Avenue, being Lot 18 in John M. E. Riedel's Addition.

The controlling section of the Ordinance reads as follows:

Section 29, Powers of the Board of Zoning Appeals.

- B. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from as in its opinion ought to be done in the premises, and to that end shall have all powers of the officer or board from whom the appeal is taken. It may impose such conditions regarding the location, character, and other features of the proposed building, structure or use with which the appeal before it is concerned, as it may deem advisable in furtherance of the purposes of this Chapter and the protection of the public convenience and welfare, provided, however, that it shall not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this chapter.



# City of Fort Wayne

BOARD OF ZONING APPEALS  
405 S. Calhoun Street

Hon. C. W. Westerman

-2-

September 14, 1973

The last phrase, underlined above, clearly limits this Board's power to the extent that it cannot grant "use variances" such as requested in this case.

It is our understanding that the Fort Wayne Ordinance may be unique in Indiana in this respect as such a limitation is not required by the Indiana Planning and Zoning Statutes. For this reason, the Council may wish to consider an amendment of the Zoning Ordinance to eliminate this restriction on the Board's powers.

Thank you for your recommendation and interest in this matter.

Respectfully yours,

BOARD OF ZONING APPEALS



Luben Lazoff, Chairman

L/B/r



PETITION FOR ZONING ORDINANCE AMENDMENT

Receipt No. \_\_\_\_\_

TO: COMMON COUNCIL OF THE

Date Filed \_\_\_\_\_

CITY OF FORT WAYNE, INDIANA

Intended Use Beauty Shop

I/We Merrilee Perepelkin

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an R2 District to a/an B1A District the property described as follows:

Lot # 18 in John M. E. Riedel's Addition, commonly known as 545 Forest Avenue

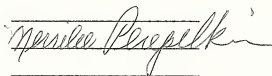
(Legal Description)

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Merrilee Perepelkin  
422-4027

6500 St. Joe Road



(Name)

(Address)

(Signature)

Legal Description Checked By: \_\_\_\_\_

(City Engineer)

NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the Office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

Howard S. Grimm, Jr., Auburn, Indiana

(Name) (Grimm)

(Address)

(Telephone Number)

City Plan Commission, City-County Building, Room 800, One Main Street, Fort Wayne, Indiana 46802 Telephone Number 423-7571

Dec. 73 - 3834

This indenture witnesseth that Thomas J. Kidd and Jessie A. Kidd, husband and wife,

of Allen County in the State of Indiana

Conveys and warrants to Merrilee Perepelkin,

of Allen County in the State of Indiana for and in consideration of One and no/100 Dollars (\$1.00) the receipt whereof is hereby acknowledged, the following Real Estate in Allen County in the State of Indiana, to wit:

Lot 18 in John M. E. Riedel's Addition to the City of Fort Wayne, according to the plat thereof recorded in Plat Book 3, Page 15, in the Allen County Recorder's Office.

RECITAL: This conveyance is accepted by the Grantee subject to certain mortgage indebtedness owed the First Federal Savings and Loan Association in Fort Wayne, Allen County, Indiana, which said mortgage indebtedness was incurred by Grantors on the 5th day of November, 1971, in the principal amount of \$15,105.00, calling for monthly payments in the amount of \$146.97, including interest at the rate of 7-3/4%, which balance is now \$14,862.06, which the Grantee assumes and agrees to pay.

Grantors expressly give up, transfer and set over unto Grantee any and all interest they may have in any escrow fund for the payment of taxes and insurance.

207 FEB 16 PM 12 57  
ALLEN COUNTY RECORDER  
Jesse A. Kidd

State of Indiana, Allen County, ss:  
Before me, the undersigned, a Notary Public in and for said County and State, this 16 day of February 1973 personally appeared:

Thomas J. Kidd and Jessie A. Kidd,  
husband and wife

Dated this 16 Day of February 1973

Thomas J. Kidd Seal

Jessie A. Kidd Seal

Jessie A. Kidd Seal

Seal

Seal

Seal

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires Jan 23 1977

John M. Riedel  
Notary Public



CITY OF FORT WAYNE  
CITY-COUNTY BUILDING  
ONE EAST MAIN STREET  
FORT WAYNE, INDIANA 46802

CHARLES W. WESTERMAN  
CITY CLERK

June 13, 1973

Board of Zoning Appeals  
Building Department  
308 East Berry Street  
Fort Wayne, Indiana 46802

Attention: Ms. JoAnn Gutermuth

Bill No. Z-73-03-07 was considered in Committee Meeting of the Common Council of the City of Fort Wayne on June 12, 1973. The above bill if passed would change Lot # 18 in the John M. E. Riedel's Addition commonly known as 545 Forest Avenue to B1A.

The Common Council is holding said bill in committee with the recommendation that the petitioner apply to the Board of Zoning Appeals for a variance to operate a "Single Chair Beauty Parlor" in said real estate.

Accordingly, the Common Council has instructed me as their Clerk to advise you that the Common Council strongly recommends that your Board approve this variance.

Respectfully yours,

A handwritten signature in cursive script, reading "Charles W. Westerman".

Charles W. Westerman  
City Clerk of Fort Wayne, Indiana

CWW/ne

May 11, 1973

City Plan Commission:

Gentlemen:

We feel that the proposed zoning change of Lot #18 in John M. Riedels' Addition, commonly known as 545 Forest Ave, from an "R2" District, to a "B1A" District could only prove to be a detriment to this community, and we do wholeheartedly oppose any such move. We own Lots #21 and #23 in John M. Riedels' Addition, commonly known as 2030 Pleasant Ave., located on the Southeast corner of Forest Ave and Pleasant Ave.

Charles R. Toner  
Kelen J. Toner



DIGEST SHEETTITLE OF ORDINANCE Zoning Map Ordinance1 73-03-07DEPARTMENT REQUESTING ORDINANCE City Plan Commission

## SYNOPSIS OF ORDINANCE \_\_\_\_\_

Preparation of a Zoning Map Amendment Ordinance petition initiated byproperty owners to rezone property located as follows:Lot # 18 in John M. E. Riedel's Addition, commonly known as 545 Forest AvenueFrom "R2" to "B1A"

EFFECT OF PASSAGE \_\_\_\_\_

EFFECT OF NON-PASSAGE \_\_\_\_\_

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

ASSIGNED TO COMMITTEE (J.N.) REGW.C. Johnson



# ORDINANCE CHECK-OFF SHEET

## INFORMATION REGARDING ORDINANCE

## CONTENTS OF ORDINANCE

BILL NO.	2-73-03-87
ORDINANCE NO.	Lost
REGULAR SESSION	3-13-73
SPECIAL SESSION	
APPROVED AS TO FORM AND LEGALITY	Keller.
BILL WRITTEN BY	City Plan Comm.
DATE INTRODUCED	3-13-73
REFERRED TO SAID STANDING COMMITTEE	Regulation
REFERRED TO CITY PLAN	3-13-73
LEGAL PUBLIC HEARING	
LEGAL PUBLICATION	
JOINT HEARING	
DEPARTMENT HEARING	
HOLD FILE	
PASS	
DO NOT PASS	9-25-73
WITHDRAWN	
SUSPENSION OF RULES	
PRIOR APPROVAL	
ORDINANCE TAKEN OUT OF OFFICE	
OTHER INSTRUCTIONS REGARDING ORDINANCE	
CORRECTIONS MADE TO ORDINANCE	
PEOPLE SPEAKING FOR ORDINANCE	
PEOPLE SPEAKING AGAINST ORDINANCE	

X	COMMITTEE SHEET
X	VOTE SHEET
	PURCHASE ORDERS
	BIDS
	ORDERS, BIDS OR OTHER PAPERS TAKEN OUT AND BY WHOM
	LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY
	To City Plan from - COMMUNICATIONS FROM Charles Lane -
X	Receipts
	ZONING MAPS
	Planning Board - Planning Board, Environment Abstracts
	TITLES
	PRIOR APPROVAL LETTER

Digest Check.

## COUNCILMAN'S VOTE

	AYES	NAYS	ABSENT
BURNS	X		
HINGA		X	
KRAUS		X	
MOSES		X	
NUCKOLS		X	
D. SCHMIDT		X	
V. SCHMIDT		X	
STIER		X	
TALARICO		X	

## COMMENTS:

Letter to Board P  
Zoning appeals.